March 23, 2023

Dear Governors, Chief State School Officers, and School District and School Leaders:

Our nation’s schools should make every effort to provide children and youth with safe and supportive environments that protect and enhance their physical, emotional, and mental well-being. Unfortunately, some schools continue to put the mental and physical well-being of students at risk by implementing the practice of corporal punishment, defined by the U.S. Department of Education (Department) as the practice of paddling, spanking, or otherwise imposing physical punishment on students. Therefore, if the use of corporal punishment is permitted or practiced in schools and educational settings within your state or district, I urge you to move swiftly toward condemning and eliminating it.

Laws in a majority of states and the District of Columbia ban the use of corporal punishment in public schools, and other states have prohibited the use of corporal punishment for students with disabilities. According to the Department’s Civil Rights Data Collection (CRDC), the number of public school students subjected to corporal punishment declined between the 2013-14 to the 2017-18 school years. However, the use of corporal punishment in school is either expressly allowed or not expressly prohibited in 23 states. Furthermore, researchers have determined that the use of corporal punishment in schools is likely underreported.

Corporal punishment can lead to serious physical pain and injury. It is also associated with higher rates of mental health issues, including mood, anxiety, and other personality disorders; drug and alcohol use disorders; higher rates of aggression, antisocial behavior, and other externalizing problems; and lower cognitive ability relating to verbal capacity, brain development, and academic achievement. Corporal punishment also has long-term implications in early childhood development. Research indicates that preschoolers subjected to corporal punishment measure lower on academic achievement and social competence, when compared to peers who have not received physical punishment as a means of discipline. Additionally, from a public health and public safety perspective, corporal punishment may impress upon students who are subjected to this practice—directly and indirectly—that violence is an acceptable means of problem-solving and conflict resolution, as research shows that the practice is associated with future incidents of domestic violence.

The CRDC data also reflects that students of color, boys, and students with disabilities are reported to be disproportionately subjected to corporal punishment. In the 2017-2018 school year, nearly 900 preschool students were subjected to corporal punishment. Boys represented about 81 percent of all students subjected to corporal punishment, but only account for about 50 percent of the total public school student population. As captured in this Office for Civil Rights infographic, Black students were 2.3 times more likely than white students to receive corporal punishment. These disparities are particularly acute for Black students and students who
represent more than one of these groups. In states that reported instances of corporal punishment, Black boys were twice as likely as white boys to be subjected to corporal punishment, and Black girls were 4 times as likely as white girls to be subjected to corporal punishment.\textsuperscript{20} In some states, other student subgroups, such as Native American students, are subject to corporal punishment at disparate rates.\textsuperscript{21}

The practice of corporal punishment is antithetical to positive child and adolescent development and school safety.\textsuperscript{22} Evidence-based strategies, such as multi-tiered systems of supports and positive behavioral interventions and supports,\textsuperscript{23} and other research-backed educational practices are designed to meet students’ social, emotional, and mental health needs and improve school climate and safety.\textsuperscript{24} Funding under the American Rescue Plan Act of 2021, the Bipartisan Safer Communities Act, and the Elementary and Secondary Education Act of 1965 can be used to support these evidence-based practices consistent with program requirements. Furthermore, the Department will continue to support schools in their efforts to move away from the use of corporal punishment through its technical assistance centers, including the Best Practices Clearinghouse, National Center on Safe Supportive Learning Environments, and National Center to Improve Social and Emotional Learning and School Safety, among other resources.

Schools should be safe places where all students and educators interact in positive ways that foster students’ growth, belonging, and dignity—not places that teach or exacerbate violence and fear. Let’s all work together to move away from this harmful practice and to create learning environments that are safe and supportive for all students.

Sincerely,

Miguel A. Cardona, Ed.D.
U.S. Secretary of Education
In its July 2022 guidance on discipline of children with disabilities under the Individuals with Disabilities Education Act (IDEA), the Department addressed the use of aversive practices, including restraint and seclusion. Aversive practices include, but are not limited to, restraint, seclusion, unpleasant spray to the face, securing a student to a chair (unrelated to providing occupational therapy or other medical support), and taping a student’s mouth, as well as the use of electrical stimulation devices for the purpose of addressing self-injurious behavior or aggressive behavior. The Department is not aware of any evidence-based support for the view that the use of restraint or seclusion is an effective strategy in modifying a child’s behaviors that are related to their disability. The Department’s longstanding position is that every effort should be made to prevent the need for the use of restraint or seclusion and that behavioral interventions must be consistent with the child’s rights to be treated with dignity and to be free from discrimination and abuse. Further, the Department’s position is that restraint or seclusion should not be used except in situations where a child’s behavior poses imminent danger of serious physical harm to themselves or others. The Department has developed and disseminated a resource document recommending that physical restraint or seclusion “never be used as punishment or discipline.” For more information, see: Questions and Answers: Addressing the Needs of Children with Disabilities and IDEA’s Discipline Provisions (OSEP Q&A 22-02); May 15, 2012 letter from former Secretary Arne Duncan to educators, accompanying the Department’s Restraint and Seclusion: Resource Document and 2016 Dear Colleague Letter: Restraint and Seclusion of Students with Disabilities. Additionally, for information on how the use of corporal punishment and restraints and seclusion may violate the rights of students with disabilities, please see OCR’s guidance, Supporting Students with Disabilities and Avoiding the Discriminatory Use of Student Discipline Under Section 504 of the Rehabilitation Act of 1973 (July 2022).


3 The states where corporal punishment is expressly prohibited are Alaska, California, Delaware, Hawaii, Illinois, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Virginia, Washington, West Virginia, and Wisconsin.


6 According to a review of laws and policies by the US Department of Education, depending on the state, corporal punishment remains legal because state law either expressly allows corporal punishment in at least some circumstances or does not expressly prohibit it. The following states expressly allow corporal punishment in schools: Alabama, Arkansas, Arizona, Florida, Georgia, Idaho, Kentucky, Louisiana, Mississippi, Missouri, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, and Wyoming. Some states that expressly allow corporal punishment also expressly prohibit it for students with disabilities, see, e.g., Kentucky, Louisiana, Mississippi, Oklahoma, and Tennessee. Other states do not expressly prohibit corporal punishment in schools, those states are: Colorado (prohibits only for students with disabilities), Connecticut, Kansas, Indiana, Maine, New Hampshire, and South Dakota.


10 Id.


21 Id.

